

214-08/MEU/SL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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VARDHMAN SHIPPING PVT LTD.,

Plaintiff,

**08 CV 3620 (RMB)**

**AFFIRMATION OF  
MICHAEL E. UNGER IN  
OPPOSITION TO MOTION  
FOR COUNTER-SECURITY**

- against -

HERNING SHIPPING AS,

Defendant.  
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MICHAEL E. UNGER, affirms the following under penalty of perjury:

1. I am an attorney admitted to practice before this Court and am a member of the law firm of Freehill Hogan & Mahar, LLP, attorneys for Plaintiff VARDHMAN SHIPPING PVT LTD. ("VARDHMAN"). I submit this Affirmation in opposition to the motion of Defendant HERNING SHIPPING AS ("HERNING") which seeks an Order directing Plaintiff to post counter-security for the counterclaims asserted by Defendant.

2. Prior to the filing of the instant motion, HERNING communicated its request for counter-security to VARDHMAN through counsel. In response, VARDHMAN offered to provide \$500,000 in the form of a bank guarantee as counter-security in favor of HERNING's counterclaims.

3. HERNING rejected VARDHMAN's offer and filed the instant motion.

4. It is respectfully submitted that HERNING's claims are all frivolous and interposed for the sole purpose of increasing the quantum of its counterclaim in order to bring pressure to bear upon VARDHMAN.

5. As such, the motion for counter-security should be denied in all respects.

Dated: New York, New York  
May 30, 2008

  

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MICHAEL E. UNGER